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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/390,910	PAN, JIN-YI	
	<b>Examiner</b>	<b>Art Unit</b>	
	M. R. Sedighian	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/02/04.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ The drawings filed on 07 September 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____  |

  
**M. R. SEDIGHIAN**  
**PRIMARY EXAMINER**

Art Unit: 2633

1. This communication is responsive to applicant's 12/2/2004 amendments in the application of Jin-Yi Pan filed 9/7/1999. The amendments have been entered. Claims 1-34 are now pending.

2. The following is an examiner's statement of reasons for allowance:

As to claims 1, 13, 20, 21, 24, 32, and 33, the prior art of Denkin et al. (US Patent No: 6,266,168), Arecco et al. (US patent No: 6,580,530), and Yang (US Patent No: 6,104,527) do not fairly teach or suggest an optical network for communicating information, comprising: separating optical signals into in-band and out-band optical signals, wherein the in-band signals substantially correspond to a first wavelength range within a predefined low attenuation region designated for optical amplification, and the out-band signals substantially correspond to a second wavelength range within the predefined low-attenuation region and exclusive of the first wavelength range; routing the in-band and out-band optical signals over different protection paths to in-band and out-band output ports associated with destination nodes; and combining the in-band and out-band optical signals from the output ports, in combination with other limitations recited in respective claims 1, 13, 20, 21, 24, 32, and 33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Denkin et al. (US Patent No: 6,266,168) is cited to teach an optical transmission system (100, fig. 1) employing protection switching (col. 2, lines 45-67, col. 3, lines 1-7).

Arecco et al. (US patent No: 6,580,530) is cited to teach an optical transmission system (300, 41, 11, 12, 13, 21, 22, 23, 42, fig. 2) employing amplification and switching (col. 7, lines 20-42).

Yang (US Patent No: 6,104,527) is cited to teach an optical transmission system with a pair of signal transmission of different bands of optical signals (30, 31, fig. 1) and amplification (4, 7, 6, 14, 15, fig. 1 and col. 6, lines 1-22).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
M. R. SEDIGHIAN  
PRIMARY EXAMINER